

Testimony of Joseph N. Mollica

To the Program Review and Investigations Committee

Wednesday September 21, 2016

10:00 AM

Room 2B, Legislative Office Building

Hello. My name is Joseph Mollica. I am a resident of East Granby. I have been a landlord and property owner since 1985. I currently own rental properties in Windsor, Windsor Locks and Enfield. I am also representing many others in my capacity as President of the Greater Enfield Landlord Association (GELA). Our members own hundreds of rental units in Enfield and surrounding towns. Our group strives to educate Landlords on how to provide fair housing to all, without discrimination.

Food, water and shelter are the main things that people require. More than 1/3 of Connecticut residents are renters, so landlords are a valuable resource. Landlording is a tough business. You may be aware of what we call the "Professional Tenant". They are the ones who game the system and who exploit one landlord after another for financial gain. Historically, this behavior was primarily seen in Housing Court, but now it is present in the CHRO arena. In recent years, our rental ads are getting a disturbing percentage of telephone responses (about 10%) which don't even say "Hello", they just aggressively ask: "Do you take Section- 8?" Next, you get grilled for 20-minutes about how you handle kids, people with disabilities, etc., until finally, if you pass all of their tests, they say something like: "Well, it's actually for a friend, so I'll get back to you." Last summer I had 3-in-a-row which used the same script! If CHRO is involved with this type of deceptive baiting, please stop. Whether I am in Home Depot buying smoke alarms or in McDonald's with my family, I am not always prepared for an impromptu cross-examination by an attorney or even a law student on my cell phone. The HDU (Housing Discrimination Unit) refers to these deceptive calls as "audits to ensure compliance". That practice is akin to having a State Trooper follow you around all year after you get a speeding ticket! Is someone following the Complainant around to see if they have previously exploited other landlords? Whether those calls are from paid professionals, college activists, or dishonest "professional tenants", it is not "fair" to Landlords. After receiving one of those calls, I feel very sorry for the next unsuspecting new landlord on their calling list. They are easy prey.

Many complaints are initially deemed to be "without merit". They begin with a finding of "No Reasonable Cause". Yet, while it may take a skilled attorney to fully understand all of the details contained in Public Act No. 11-237, the plain language on the CHRO website makes it quite clear that things are far from "fair" for the Landlord, even at this early stage. The Complainant (Tenant) currently has seemingly endless opportunities for Reconsideration and Appeal. If initially unsuccessful, they can still take their case to the Superior Court. The Respondent (Landlord) does not, and cannot.

Some cases are being dragged out for years in an attempt to recover “mediated settlements” (essentially extortion), even in cases deemed initially to be without merit. Innocent landlords are being railroaded into “settling”, simply to avoid the staggering legal costs, while CHRO attorneys are gainfully employed at taxpayer expense, and the Complainants are represented for free. That is not “fair”.

With respect to Mediation, if a landlord misses a mediation session, he will be found in default (\$\$). If a tenant misses a mediation session, there is a simple dismissal (no real penalty). That is not “fair”.

*In* cases for which the Complainant requests Reconsideration, the case is not reviewed by an independent 3<sup>rd</sup> party, rather, a CHRO legal-division attorney will decide if that request will be granted. That is not an unbiased Reconsideration. That is not “fair”.

The Housing Discrimination Unit monitors and enforces “Conciliation Agreements”, but do they monitor a Complainant’s history in Housing Court for possible abuse? (We do.) That is not “fair”.

The Commission can request punitive damages and a civil penalty for the Respondent, but there are no penalties or costs assessed to a losing Complainant. That is not “fair”.

I propose that CHRO should not permit unauthorized recordings of private conversations (by their agents or Complainants) to be used as evidence because it shows an intent to “bait”.

I propose a filing fee for Complainants, similar to that imposed in a Small Claims Court. If someone can’t pay to file, then they are probably not very serious and they probably don’t financially qualify for the apartment anyway. This may help stop some nuisance and retaliatory complaints.

I propose that all of these cases be handled promptly, with just one opportunity for Reconsideration or Appeal by either party.

I propose that CHRO should focus their efforts on prosecuting blatant, repeat offenders, rather than on baiting and exploiting new, small or naive landlords who can’t afford to defend themselves, and who just need some education.

I propose that when it comes to limiting the number of people permitted to live in a dwelling, that the most restrictive guidelines should be afforded to the Landlord, if he so chooses. (HUD, State or local).

When it comes to Connecticut and the United States, I demand that Landlords are presumed innocent until proven guilty by a preponderance of the evidence.

Thank you very much for granting us the opportunity to share our thoughts on this important matter, and we invite your representatives to come and speak on these issues at one of our meetings in Enfield.

Joseph N. Mollica

(President, GELA)